

## **MINUTES**

### **INDIANA STATE BOARD OF DENTAL EXAMINERS**

**DECEMBER 7, 2007**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Burns called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

##### **Board Members Present:**

Jill Burns, D.D.S., President  
Laverne Whitmore, L.D.H. B.S., Vice President  
Galen Williams, D.D.S., Secretary  
Matthew Miller, D.D.S.  
Richard T. Newton, II, D.D.S.  
Charles Heape, D.D.S.  
Gary Haller, D.D.S.  
Theodore Rokita, D.D.S.  
Philip Catey, D.D.S.  
Steven Hollar, D.D.S.  
Clance LaTurner, Consumer Member

##### **Board Members Absent:**

##### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Kristine Yarde, Assistant Board Director, Professional Licensing Agency  
Liz Brown, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda.

**WILLIAMS/WHITMORE**

Motion carried 10-0-0

Dr. Heape was not present for this vote

#### **III. ADOPTION OF THE MINUTES FROM THE NOVEMBER 2, 2007 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes with corrections of the November 2, 2007 meeting of the Board.

**HALLER/WHITMORE**

Motion carried 10-0-0

Dr. Heape was not present for this vote.

#### **IV. APPEARANCES**

## **A. PROBATIONARY**

### **1. State of Indiana v. Teresa Michelle McCrady, D.D.S., License No. 12010271A**

Dr. McCrady contacted the Board this morning and advised she was unable to appear at this meeting due to her child being ill. The Board was accepting of this and excused her from this appearance.

## **B. APPLICATION**

### **1. Robert B. Angerman, D.D.S.**

Dr. Angerman appeared before the Board, as requested, regarding his application for a Dental Intern Permit. On his application he answered "yes" to question 7 asking, "Have you ever had a malpractice judgment against you or settled any malpractice action?" He stated he has had three malpractice claims in 1982, 1985, and 1996 or 1997. He provided details about each of these instances and stated they were all ruled in his favor. Dr. Angerman told the Board he let his dental license expire in 2000 after having significant health problems, he was not sure that he would ever return to work. By 2003 he was healthy again and beginning to regret his retirement. He contacted IPLA in August 2006 and spoke with former Board Director about getting his license renewed. He paid the renewal fee and has since submitted continuing education for the amount of time his license was expired. Given the amount of time his license has been expired and since he has not been in continuous practice he would have to reapply for a dental license by examination which means retaking a regional examination. He explained that he is applying for the Dental Intern Permit so that he can teach at Indiana University Northwest's Dental Hygiene program. His duties include working on the clinic floor teaching technique, evaluating x-rays, looking for pathology, and giving injections of anesthetic. He admitted to the Board that he has already been there working one half day a week alongside Dr. Steven Holm. The Board asked him when the last time was he gave an injection. He replied last Wednesday when he was at the clinic and Dr. Holm was not available. The Board asked if he knew that he was not licensed to do that. He replied that he did know that and was apologetic. The Board asked if Dr. Holm knew he gave an injection and he stated he thought so because he would have had to sign off on the paperwork. The Board asked if IU Northwest was aware that he did not have an active license or a permit to practice dentistry, and he stated that they were aware of that because he told them his license was expired when they offered him the position. Dr. Angerman stated he felt he and the staff at IU Northwest were unclear about the application process to obtain the Dental Intern Permit. It was assumed that all he needed to do was apply and it would be granted. He felt it was all a misunderstanding and did not want to get anyone into trouble.

**Board Action:** A motion was made and seconded to deny the application for a dental intern permit.

WHITMORE/WILLIAMS

Motion failed 1-10-0

Ms. Whitmore, L.D.H., B.S. was the assenting vote

**Board Action:** A motion was made to table the decision regarding the Dental Intern Permit until more information can be gathered from Indiana University Northwest and Dr. Steve Holm. The Board wants Dr. Angerman to appear at the next meeting with Dr. Holm.

WILLIAMS/CATEY  
Motion carried 11-0-0

**C. RENEWAL**

**1. Phillip R. Douglas, D.D.S.**

Dr. Douglas appeared before the Board, as requested, regarding his application for renewal of his Dental Intern Permit. Dr. Douglas first received his Dental Intern Permit in December 2002 and it has been renewed each year since then by the previous Board Director. On the renewal application it states that Dr. Douglas has been employed by Mid America Health, Inc. and has practiced general dentistry at the Indiana Department of Corrections. Dr. Douglas stated that he practices forty (40) hours a week doing restorative dentistry, prosthetics, and oral surgery. Dr. Douglas has taken Indiana state constructed examination four (4) times but did not pass the examination. Dr. Douglas did not state whether he has taken the NERB examination which is the clinical examination which is required for licensure as a dentist in the State of Indiana. The Board and advisory counsel explained to Dr. Douglas that what he is doing is not in line with the statute and intended purpose of the dental intern permit. The Board stated that he needs to take and pass the NERB clinical examination and apply for a dental license.

**Board Action:** A motion was made and seconded to grant the renewal of the Dental Intern Permit for six (6) months starting from December 8, 2007 so that he can take the NERB and apply for licensure.

WILLIAMS/MILLER  
Motion carried 10-1-0  
Dr. Heape dissented

**V. PRESENTATION**

**A. Terry Richmond, Deputy Attorney General, and Mark Mader, Deputy Attorney General**

Mr. Richmond and Mr. Mader gave a presentation to the Board which outlined their new office staff organization system. They explained in detail the consumer complaint process and the timeline for when a complaint originates and how it is then investigated by their office. They provided insight into the helpfulness and necessity of a Board designee and the options that allows and described the various sanctions the Board can impose following an administrative hearing. The Attorney General's office determines if a violation of IC § 25-1-9-4(a) and identified for the Board each one of the provisions of the Statute that would allow them to file formal charges against a practitioner.

**VI. ADMINISTRATIVE HEARINGS**

There were no administrative hearings scheduled.

**VII. SETTLEMENT AGREEMENTS**

There were no settlement agreements before the Board.

#### **VIII. NOTICE OF PROPOSED DEFAULT**

There were no Notices of Proposed Default before the Board.

#### **IX. OLD/NEW BUSINESS**

##### **A. Remote/Satellite Dentistry**

Dr. Hollar asked the Board if they have ever discussed the topic of remote dentistry. Advisory counsel stated there is a Medicaid rule pertaining to billing for remote dentistry. Dr. Hollar was referring to an instance where the dentist is "on-call" and not at the clinic but his staff does an evaluation and then calls him in if needed to do a procedure. The Board explained that he needs to be present if patients are being seen in his office but it is acceptable for example to send x-rays to another dentist to get a second opinion.

#### **X. DISCUSSION**

A. Dr. Burns asked if a Board member wants to volunteer to be a liaison with the Indiana Dental Association. The Board suggested that each member can take turns writing an article for the IDA on the topics they are researching. Dr. Burns agreed to this and will make a schedule for the articles.

B. Ms. Vaught asked the Board if any member wanted to volunteer to participate in site visit for an Ivy Tech Community College in Lafayette, Indiana for their dental assisting program. The inquiry came from the Commission on Dental Accreditations. The Board did not wish to participate in this site visit.

C. Dental and dental hygiene renewal information will be mailed at the end of the month. Ms. Vaught asked the Board if they would agree to designate one member to review positive responses on renewals and make the determination to have the person appear before the Board, to renew the license, or to request more information from the practitioner. The Board requested that Ms. Vaught divide them up and send some to each Board member on a rotating basis so that they can all get exposure to this process.

D. The Board wants to make some revisions to the mobile dental facility application. There will be future discussions held regarding what specific changes will be made but initial items discussed were follow-up protocols, records of sterilization monitoring, and protocol of hazardous waste infection control.

#### **XI. APPLICATION REVIEW**

##### **A. Endorsement**

###### **1. Patrick E. Conaghan, D.D.S.**

The Board reviewed Dr. Conaghan's application by endorsement file. Dr. Conaghan is a 1989 graduate of Oregon Health & Science University and has taken and passed the National Boards and the NERB examination. On his application he answered "yes" to question 7 asking, "Have you ever had a

malpractice judgment against you or settled any malpractice action?" Dr. Conaghan submitted a written statement explaining a malpractice settlement in 2001 which the Board had no issue with. Dr. Conaghan has not been employed 2 of the last three years. This is a requirement for licensure by endorsement. It appears by the work history he gave that he stopped practicing in May 2005 and resumed practicing in Illinois in April 2007. The Board advised Ms. Vaught that the law is very specific concerning the requirement to practice two of the last three years and to write him a letter advising him of his options to keep working in Illinois until he has accrued two years of time and then reapply by endorsement or retake the regional board examination to be accepted by examination.

**Board Action:** A motion was made and seconded to deny Dr. Conaghan's application by endorsement.

WILLIAMS/HALLER  
Motion carried 11-0-0

**B. Examination**

There were no examination applications for the Board to review.

**C. Anesthesia and Sedation Permits**

There were no anesthesia and sedation permits.

**D. Dental Intern Permit**

There were no dental intern permit applications to review.

**E. Mobile Dental Facility**

**1. Wes Brown, D.D.S.**

The Board reviewed the mobile facility dental application from Wes Brown, D.D.S. The application indicated that they will be practicing at a nursing home. The Board determined they want additional information pertaining to an emergency phone number, protocols for follow-up treatment, autoclave testing certifications, and two (2) letters of support from the facilities where they will be performing the dental services.

**Board Action:** A motion was made and seconded to table their decision until the additional information is received.

MILLER/LaTURNER  
Motion carried 11-0-0

**F. Professional Corporations**

There were no professional corporation applications to review.

**XII. PROBATIONARY REPORT**

**A. Penelope Lynn Dunlap, D.D.S.**

Dr. Burns told the Board she spoke with Dr. Dunlap's monitor Dr. Joseph Hague and he explained that Dr. Dunlap is seeing so many patients it is very difficult for him to review each chart. Dr. Burns expressed her confidence in Dr. Hague and they agreed that Dr. Dunlap can keep all of her charts for the month in one group and he will select twenty (20) charts at random to review. Dr. Hague stated Dr. Dunlap has followed everything to the letter of the law. Dr. Burns spoke with Dr. Jansen who was involved in writing Dr. Dunlap's order and he stated the intent was to do a sampling of the charts when it became a monthly process. Dr. Burns advised nothing needs to be changed in Dr. Dunlap's order to accommodate this new process.

**B. Christopher Leonard, D.D.S.**

Ms. Vaught reported Dr. Leonard has paid his fine of \$500.00 and he is going to fulfill the community service hours at the Esperanza Center. The issue is that they may not be able to accommodate him until January and he was supposed to have his community service completed by the January board meeting. The Board accepted that his community service will be in January and advised Ms. Vaught to schedule him for a personal appearance at the February 1, 2008 meeting.

**XIII. CONTINUING EDUCATION**

**1. Tri-State Dental-Medical Conference**

Dr. Newton reviewed the renewal application and course documentation for Tri-State Dental-Medical Conference to be accepted for continuing education. Dr. Newton approved them to be a continuing education sponsor.

**XIV. REPORTS**

1. Dr. Hollar reported that he has worked with Dr. Willis at the IU Dental School to discuss having a board meeting there before the students next November. They felt that given the number of people to be invited and several logistical difficulties due to the type of facilities they would have available to hold this meeting that it may not be possible. Dr. Hollar presented the idea that the Board would conduct a mock meeting at the school and have a live feed to the other dental hygiene programs in Indiana. He proposed something completely pre-scripted which would cover several different topics and perhaps use students to play the roles of practitioners. They feel this would give all students a better understanding of the types of issues the Board handles. The Board was pleased with this idea but advisory counsel asked for time to look into any legal matters this might have given that anytime the board meets it is a public meeting and subject to the open door laws.

2. Dr. Catey reported on license renewal protocols informing the Board of what is contained in the renewal notices, how practitioners can renew online, what is required for continuing education, and controlled substance registration and anesthesia and sedation permit renewals.

3. Dr. Miller reported that Indiana is now officially an ADEX member state and he will be attending their meeting in Chicago on January 5, 2008. He reported that not much is happening on the Controlled Substances Advisory Committee (CSAC) concerning dentistry but there is a certain type of salvia plant that is becoming popular as a recreational drug which may become classified as a schedule I controlled substance.

4. Ms. LaTurner reported that she has met with the Oral Health Task Force and they discussed various methods that can be used to educate new mothers on oral healthcare for newborns. One suggestion was a video that can be shown while they are still in the hospital.

5. Dr. Williams reported that he has reviewed two (2) consumer complaints both were recommended to close and he continues to evaluate precedent board cases.

6. Dr. Rokita reported he is finalizing a letter on the topic of grills and whitening that is being done in spas and mall kiosks. He will email the letter to all Board members for review. He spoke with Tina Wisely of the Cosmetology Board to see if she has any information and she stated she has one report about whitening. The letter he is writing will be published in the February IDA newsletter. Dr. Burns asked Dr. Rokita to try and get a statewide consensus from prosecutors about whether or not they will prosecute cases of practicing dentistry without a license.

#### XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:30 p.m.

  
Jill Burns, D.D.S., President

1-4-88  
Date

  
Galen Williams, D.D.S., Secretary

1/4/80  
Date